

**Senate Standing Committee on Education, Employment and Workplace Relations**

**QUESTIONS ON NOTICE**

**Budget Estimates 2010-2011**

**Agency - Safe Work Australia**

**DEEWR Question No.EW0301\_12**

**Senator Abetz asked on 30/05/2011, Hansard page 99-100.**

**Question**

**Safe Work Australia – draft WHS Regulations**

Senator ABETZ: Yes, but before you get away with that assertion about a scare campaign, Mr Hoy, can you confirm that, if the draft regulation were adopted, that would be a requirement—a safety fence would need to go around every residential dwelling?

Mr Hoy: I would have to get some advice on that, Senator.

Senator ABETZ: All right; take that on notice.

**Answer**

*Safe Work Australia has provided the following response:*

No, the proposed draft model work health and safety Regulations (model WHS Regulations) would not require a safety fence to go around every residential dwelling.

Following consideration of public comment, it is proposed that the draft model WHS Regulations be amended to require a person conducting a business or undertaking with management or control of a construction workplace to ensure, so far as is reasonably practicable, that the workplace is appropriately secured, so that no person is exposed to the risk of injury, illness or death arising from unauthorised access to that workplace.

The person with management or control of a construction workplace would need to assess the workplace, from a safety perspective, and decide whether fencing is necessary to adequately secure the workplace, or whether there are other appropriate means of doing this.

Currently, most jurisdictions have adopted the requirements of the National Standard for Construction Work (2005) which requires the provision of a secure construction site through 'adequate perimeter fencing to be installed on the construction site before construction work commences, and that it is maintained during the construction work.'

Noting that a construction site under current legislation is the same as a construction workplace, compliance with the current requirements for secure construction sites will result in compliance with the proposed draft model WHS Regulations requirement for secure construction workplaces.